App. F. IX-4

*Previous References*
Pris 17-40 (5-7)

*Later References.*
Pris 11-41 (142)

1940
193 ( )
Prisons
Preserve

File No. 17-40
Serial Nos. 849

**PRESERVED**

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* two only

**Part B for** June 1941.

**SUBJECT.**

Release of long term Convicts on probation.

P 6573-6 Dated 26.6.1941.

To

1) Secy, Standing advisory Board Central Jail
2) I. G. of Prisons
3) I. G. of Police
4) Registrar H.C.

Directing release of Basappa alias Bdr the Convict Basalinga.

G. Vajravelu
16/7/1941

WD 0573—GPB—22,500—12-9-39

Serial No.

From

The D. G of Prisons,

Letter No. 480-3 dated 14th April 1941

Submitting for orders, the Cases of two long term Convicts recommended for release", viz:-

Standing Advisory Board, Central Jail, Bangalore at their meeting held on the 8th April 1941

— " —

1) Basappa, No. 1740 :— He was convicted of having committed murder of a person by name Woddara Papa to whose wife he made criminal overtures and he was sentenced to transportation for life under Section 302 I.P.C. He has completed 14 years, 7 months and 23 days including the remissions earned and has yet to serve 5 years, 4 months & 7 days as on the 8th April 1941. His conduct in the prison is said to have improved since November 1940 when he was given last punishment. The Village, (the A.S.P and the D.S.P) are not in favour of his release. The Dist Magte is however

The date of the Sentence is 18.4.31. When the convict was aged 22 years old. He is married & has a Son. No doubt, he along with another person, committed a brutal act in murdering Woddar Papa who also was aged 28 years then. Even when he was in prison he dared to commit Sodomy. He seems to have perverse sexual feelings. The Villagers are not in favour of his release but both the A.S.P, the Asst-Superintendent, & the Board recommend that this is a fit case for release. The convict has put in over 14 years of imprisonment & his Conduct has been good for

1, Cards A & B

This statement is made on the old forms and the file & version is based on letters of the Secretary Board.

NOTE—Contn. Sheet.

Serial No.

Release of the Stay accy bars a salutary effect on him. He may be released.
3/
23/4/41.

prepared to appoint a probation officer for his after-care. He is a Lungajat and an agreeable visit

May be released.
Hm
2
23/4/41

2) Basalunga No 3968. — He was convicted of having committed robbery along with two associates and sentenced to 3 years R.I. under Section 392 I.P.C. He has undergone 2 years, 7 months & 1 day including the remission earned & has yet to serve 4 months & 29 days as on the 8th April 1941. His Conduct in the prison is said to be good, having had no punishment for prison offences since July 1940. The Villagers and the D.S.P are not in favour of his release and the Dist Magte is unable to find out a probation officer. It is stated in the D.S.P's report that the prisoner has got fewer of his associates of whom

He may be released, as recommended by the Board, as he has put in more than 2/3rd of his sentence & his Conduct in jail now is good
3/
23/4/41.

May not be released
Hm
2
23/4/41

Prisons 5937

eneral and Revenue Secretariat | Release of long term convicts | File No. | of 194 . | [App. F. III-2

| Serial No. |
|---|

one is a dangerous & daru Criminal: He has no previous connections but the opinion of the people of his locality as also of the local officers is against him.

Submitted for orders.
28/4/41

(3). Please see marginal notes. Submitted for perusal & orders.
Law Secretary) 3 23/4/41

I Member) Hm 2 23/4/41

3 23/4/41

7583 23/4

APR 24 1941 1093

(4) MM 27/4/41

(5) This a Council matter and may be disposed of by circulation.
Dewan) Hm 2 28/4/41

3 28/4/41.

(6) Hm 29-4-41

7. For circulation
Chief Secy) W/c. Hm 2 1/5/41

3 1/5/41

submitted with a circulation Memo 1/41. Signed MS 2/5

No.

This file was handed to me by Sir Charles Strickland with the suggestion that the proposal for the conditional release of prisoner Basappa might be re-examined again in the light of his conduct in prison and the general principles governing conditional release as laid down in our standing orders and amplified in the Report of the Prisons Reforms Committee. I shall be glad to have a detailed note — Early. MLG 2/6/41

MLG 3.6.41

Hm 2 3/6/41

3/6/41

Submitted.

The Prison History of convict Basappa shows that he committed three minor prison offences, two in 1933 and one in 1940 and attempted to commit a major offence - sodomy - in 1934. For the latter offence he was kept hand cuffed and given staple punishment for a period of seven days at nine hours per day. From 1934 to 1940, for about six years his conduct continued to be satisfactory. He completed 2/3rds of his sentence on 18-2-1940 after adding the period he earned as remission, both special and ordinary.

He being a non-habitual convict and having completed 2/3rds of his sentence his case was brought up before the Standing Advisory Board in November 1940 as per rule 308(a) & (c) of the Jail Manual,

**isposal by Circulation.** **No. C. ~~582~~ 06/41**

.....193....

**GENERAL AND REVENUE SECRETARIAT.**

**Council Matter.**

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*Subject*

Proposal to release convict No.1740 Basappa.

*Circulated to the Members of Council.*

By Order,

Chief Secretary to Government.

.....2nd May.....1941.

---

**First Member of Council.** (Seen)

7)

**Second Member of Council.** 4.5.41

Law Secy. with Compliments

Submitted with a D.F.N.

Law Secretary) 3/5/41

D.F.N. submitted

I Member)

Hm 6/5/41.

8)

9-5-41

Hm 2/5/41

11386/6/5/41

Signed & Misplaced below

S.N. (Dewan) 6/5/41

S.N. submitted. Hm 3/5/41

Hm 3/5/41

Hm 6/5/41

Serial No.

Vol.I,(1940 edition). Then the Board considered his case in the light of his conduct in the prison and deferred it for further consideration to a late date. This postponement of his case by the Board was significant in that the last prison offence, though a minor one, was on the very day the Board t up his case for consideration first, ie., 22-11-194 Since November 1940 no offence has been committed b him and the Board took up his case again at their meeting in April 1941 and recommended his release.

He satisfies the conditions laid down in the existing Standing Orders, viz., rule 308 (a) & (c). He has earned remissions of about 55 months, both special and ordinary put together. Special remissions given to him come to 25 months, i.e., 5 month on the occasion of the marriage of His Highness the Maharaja in 1938 and 20 months on the occasion of t Pattabhishekam of His Highness the Maharaja in Sept 1940.

Thus examined in the light of the present ru and practice, his conduct in the prison and his completion of the 2/3 of the sentence, viz., 14 yea make him eligible for consideration for conditional release. No doubt the serious offence of sodomy h attempted to commit during the period of his impris ment is an indication to show that the sentence he had undergone by then did not have any corrective influence on him, but this offence was attempted by him in 1934, viz., about only 3 years after his adm sion into the Jail. The fact that he has not committed any offence of a similar nature after

Serial No.

11-1-34 date, clearly goes to show that the punishment he had at that time has made him to realize his error in committing offences of that nature.

It may perhaps be noted that the opinion of the villagers is not in favour of his release. But the existing rules provide that even the opinion of the Police etc., need not be taken as a main factor for deciding such cases of non-habituals (vide paras 1 & 2 of the G.O. dated 29th September 1926)

The Prison Reforms Committee have devoted two special chapters (VII) and (IX) on the Remission system and on Releases, accelerated and conditional. Remission system according to the Report of the Prison Reforms Committee is one of the incentives for the promotion of good conduct and industrious habits in the life of a convict. The Committee has recommended the application of this system not only to first offenders, but also to habitual prisoners, but in the case of the latter, the Committee is of opinion that remissions in their case should be gradually reduced after four convictions and cease altogether after eight. According to the rules in vogue at present remission is granted on special occasions also such as at the time of Pattabhisekam, but the Committee is not in favour of such remissions in as much as remissions granted on such occasions have very little moral effect on the prisoner.

If the recommendation of the Prison Reforms Committee on the point of not granting remissions on special occasions is accepted, then Basappa does not complete the period of 2/3 of his sentence. If the

Serial No.

period of 25 months of remission earned by Basappa on special occasions is deducted from the total remission period, then his case cannot be considere by the Standing Advisory Board. But in other respe his case can be favourably considered even under th recommendations made by the Prison Reforms Committe

But we have at present no proper rules for t aftercare of released prisoners. The form, which released prisoner has to execute (vide Vol.II Jail Manual, flag W) compels him to report befor the Pol now and then. This system is not favoured by the Prison Reforms Committee. The Prison Reforms Comm urge for supervision by a non-Police agency.

Anyway, when clemency is shown by the Prison Reforms Committee even to habitual offenders, it is right that clemency should be shown to Basappa who has served the 2/3 part of his sentence, as per the present rules. The Prison Reforms Committee in th Report have observed that if there is sufficient evidence of the fact that jail life has improved hi character he need not be indefinitely detained, but should be set free under conditions which will appe to his better nature. ~~Instead~~ System of reporting to th Police which is generally insisted upon in cases of habitual offenders, may not be insisted upon in his case and a Probation Officer (non-Police) may be appointed for his after-care.

Law Secretary 10/6

The prisoner has ~~undergone~~ served more 2/3 of his sentence. His conduct in the ja

PRISONS 595

Release of a long-term Convict

General and Revenue Secretariat

File No. 17 of 1940.

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has been on the whole satisfactory. The attempt to commit offence of sodomy was about 7 years ago. and since then no prison offence has been committed except a minor one last year. The release is well within the Standing orders and the principles enunciated by the Prison Reforms Committee in their report.

8520

Minister for Law / Dewan

Hm 2 11/6/41

12741 11/6/1941.

3 11/6/41.

I agree with the Secretary's note. The special remissions have been earned already and therefore the recommendation of the Prison Reforms Committee in this respect need not be taken into account in deciding whether prisoner Basappa has completed 2/3rds of his sentence or not.

He may be released and a probation officer (the Local Patel) appointed as recommended by the Dt. Magistrate.

Dewan 11-6-41

**Final Note by the First Member of Council.**

***Subject.—***

Release of long term convicts on probation.

The Standing Advisory Board, Central Jail, Bangalo at their meeting held on the 8th April 1941 considered the - cases of six convicts and recommended the release of two of them, viz., -

1. Basappa No.1740;
2. Basalinga No.3968.

As the people of the locality and the District Sup intendent of Police, Chitaldrug District, are not in favour premature release of Basalinga, it is not proposed to releas him.

As regards the other convict Basappa, it is propos to accept the recommendation of the Board and order his rele

The Dewan and the Second Member of Council are ag able to the proposal and I solicit the gracious sanction of Highness to the release of the convict.

M. A. Rama Rao

FIRST MEMBER OF COUNCIL

Bangalore,
8th M a y 1941.

# Submitted to His Highness.

I submit herewith a Final Note by the First Member of Council regarding the release on probation of certain long term convicts,

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.

Bangalore,
9th May 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

## *Subject.*

Release on probation of certain long term convicts.

## *Order.*

14/6/41

no. 859

f Secy

see Cash side sheet

21/6/41

General and Revenue

Secretariat.

SUBJECT:— Release on probation of certain long term convicts.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

*Chief Secretary to Government.*

Through the Secretary to Government,

Law.....Department. 19/6/41

12957/14.6.41 Minister for Finance and Revenue. 25.6.

12973/19.6.41 Minister for Law. 19-6-41

241/19.6.41 Minister for Education. 23.6.41

247/23.6.41 Minister for Local Self-Govt. and Public Health.

Law Secy with compliments.

Draft G.O. is submitted for approval.

25.6.41

26/6/41

NOTE.—Contn. sheet

WD 2201—GPB—100—5-6-41

| General and Revenue Secretariat | File No. | of 194 . | [App. F. III-2 |
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| Serial No. | |
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| | ලිපිය ජ.ලේ අංක P 6573-6 දිනැති 26.6.194 |

s: Senorgen.

r: No. 2462.

**Office of the Inspector-General of Prisons in Mysore.**

No. 480-3 / Encls. 3 (2 files of Long term convicts and 1 letter from Secretary S.A.B.) Bangalore, dated the 14th April 194

Enc.

Pris 17-40-8 5937

FROM V. V. MONTEIRO, ESQ., M.B.,B.S., F.R.F.P.S. (GLAS.), L.D.S. (ENG.),
Offg. *Inspector-General of Prisons in Mysore,*
*BANGALORE.*

The Secretary to Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Sir,

I have the honour to state that the members of the Standing Advisory Board, Central Jail, Bangalore, who met on Tuesday the 8th April 1941, have recommended Convicts Nos. 1740 Basappa and 3968 Basalinga, for release. I submit herewith letter No. 1071/F. 115 dated the 9th April 1941 from the Secretary, Standing Advisory Board together with the files relating to the convicts in question and request early order of Government.

I have the honour to be,
Sir,
Your most obedient servant,

Offg. Inspector-General of Prisons

Office of the Hon. Secretary,
-S- S.A.B. Central Jail,
Bangalore, Dated 19-4-41.

From

The Secretary,
Standing Advisory Board,
Central Jail, Bangalore.

To

The Secretary to Government,
Law Department, Bangalore.

Through

The Inspector-General of Prisons
in Mysore, Bangalore.

No.

Sir,

I have the honour to state that the following six cases of short and long-term convicts were considered by the Standing Advisory Board at the meeting held on Tuesday the 8th April 1941:-

| | | |
|---|---|---|
| 1. | 1740 | Basappa |
| 2. | 1929 | Sidda |
| 3. | 3486 | Mariga alias Maga |
| 4. | 3968 | Basalinga |
| 5. | 3969 | Ranga |
| 6. | 1676 | Chikkeera @ Chick Putta |

The Board has resolved to recommend the following two cases for release:-

| | | |
|---|---|---|
| 1. | 1740 | Basappa |
| 2. | 3968 | Basalinga |

1. No.1:- Convict No.1740 Basappa son of Chape Hanumappa native of Hindsaghatta, 9 miles from Harihar Railway Station. He has no lands. He has got a wife and 1 son aged 9 years. He was convicted on 18-4-31 by the Sessions Judge, Shimoga Division in Chit.Sessions Case No.

Transportation for Life. During his confinement in Jail he has committed four offences. He has served more than 14 years of his sentence including remission. The unexpired portion of his sentence now is 5 years,4 months and 7 days. The villagers are not in favour of his release but the Assistant Superintendent of Police, of Davangere recommends his release and the District Magistrate, Chitaldrug has proposed to appoint the Patel of the Village as Probation Officer. This convict's case had been once brought up before the Board on 23rd November 1940 and was postponed for being considered at the next meeting. The Board now finds it a fit case to recommend to Government for release conditionally. The Board's recommendation may kindly be approved.

Serial No.2:- Convict No.3968 Basalinga son of Parappa is a native of Davangere. He does not belong to the Criminal Gang, is a casual and has no lands. He is married and his wife is living at Davangere. He was convicted by the Sessions Judge, Shimoga in Sessions Case No.12/38-39 and sentenced to suffer 3 years rigorous imprisonment on 27th March 1939 for an offence under Section 395 I.P.C. Out of three years rigorous imprisonment he has completed more than 2/3rds of his sentence including remission. The unexpired portion is only 4 mont and 29 days. During his confinement in the Jail, he has committed only one Jail offence. His conduct in Jail has been satisfactory. The Board considering this a fit case to be recommended to the Government for release under Section 401(1) Criminal Procedure Code as no Probation Officer has been found for him.

5. A copy of the Proceedings of the Board and two separate files of the above mentioned prisoners are

herewith submitted for kind perusal and return with such orders as the Government may deem fit to pass.

I have the honour to be,
Sir,
Your most obedient servant,

9/4

Honorary Secretary,
Standing Advisory Board,
Central Jail, Bangalore.

9/4/41.

Proceedings of the meeting of the Standing Advisory Board held on Tuesday the 8th April 1941 at 8-30 A.M. in the Central Jail, Bangalore.

**Present:-**

1. V.V. Monteiro, Esq., M.B., B.S., F.R.F.P.S.(Glas.), L.D.S.(Eng.), Inspector-General of Prisons. (President)
2. S. Ramachandra Sastri Esq., B.A., LL.B., (Additional Sessions Judge) - Member.
3. Abdulla Husain Sheriff, Esq., B.A., (Superintendent, Central Jail) Secretary.

**Absent:-**

1. Moin-ul-Vizarath A.K. Syed Taj Peeran Esq., B.A., (Retired Deputy Commissioner) - Member.
2. B.M. Muniswamappa, Esq., (Land-Holder) - Member.

The proceedings of the previous meeting held on 23rd November 1940 were recorded.

The G.O.No.P.3299-3302/Priw.17-40-6 dated 26th December 1940 sanctioning the release of three convicts out of the six recommended by the Board was read and recorded.

The Memo No.P.4335 dated 20th February 1941 and its enclosure received from the Law Secretary to Government regretting to permit convict No.9953 Alagireswami to reside in Madras Presidency before the date of his normal release was read and recorded.

The cases of the following six convicts were considered and it was resolved as follows:-

1. Convict No.1740 Basappa - May be recommended for conditional release.
2. Convict No.9291 Sidda - May serve out his full sentence.
3. Convict No.3486 Mariga @ Naga - May serve out his full sentence.

4. Convict No.3968 Basalinga - May be recommended for release under Section 401(1) of Criminal Proceduse Code.

5. Convict No.3969 Ranga - May serve out his full sentence.

6. Convict No.1676 Chikkeera alias Chikka Putta - As under the Standing Advisory Board rules, a Police Officer cannot act as a Probation Officer, the District Magistrate, Tumkur may be requested to propose another person.

Sd. Abdulla Husain Sher
Secretary. 8/4/41.

"C O P Y"

Secretary,
Standing Advisory Board,
Central Jail, Bangalore.

9/4/41

The proceedings of the previous meeting held on 23rd November 1940 were recorded.

The G.O.No.H.3699-3702/Fri.17-40-6 dated 20th December 1940 sanctioning the release of three convicts out of six recommended by the Board was read and recorded.

The Memo No.4.4355 dated 20th February 41 and its enclosure received from the Law Secretary to Government regretting to permit convict No.3953 Alingiswami to rest e in Madras Presidency before the date of his normal rele se was read and recorded.

The cases of the following six convicts were considered and it was resolved as follows:-

1. Convict No.1740 Basappa - May be recommended for conditional release.

2. Convict No.3291 Siddha - May serve out his full se tence.

3. Convict No.3485 Mriga Ranga - May serve out his full sentence.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Letter No.1077/F.115 dated 9th April 1941 from the Secretary, Standing Advisory Board, Central Jail, Bangalore, through the Inspector General of Prisons submitting for the orders of Government the cases of the marginally noted* two long-term convicts recommended for release on probation by the Board at their meeting held on 8th April 1941.

* No.1740 Basappa.
No.3968 Basalinga.

ORDER No.F. 6573-6 Pris 17-40-9

Dated, Bangalore, the 26th June 1941.

It is seen that the people of the locality, the Distr Superintendent of Police, Chitaldrug District are not in favour of premature release of convict Basalinga. Government direct therefore that he should not be released.

Government are pleased to accept the recommendation o the Board in respect of the other convict Basappa, and direct th he be released forthwith subject to the condition that he passes a period of probation equal to the unexpired portion of his sentence under the District Magistrate concerned or such of as may be appointed in this behalf.

for Secretary to Government,
Law Department.

To--The Secretary, Standing Advisory Board, Central Jail, Bangalore, (with files).
The Inspector-General of Prisons in Mysore.
The Inspector-General of Police in Mysore.
The Registrar, High Court of Mysore, Bangalore.

Pri 17-40-9

Proceedings of the Government of His Highness the Maharaja of Mysore.

....

Read.

Letter No.1077/F.115 dated 9-4-1941 from the Secretary, Standing Advisory Board, Central Jail, Bangalore through the I.G. of Prisons submitting for the ~~xxe~~ orders of Government the cases of the marginally noted* two long-term convicts, recommended for release on probation by the Board at their meeting held on 8th April 1941.

.1740 Basappa.
.3968 Basalinga.

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Order No.P. 6573-6 Pri 17-40-9 dt 26.6.41

It is seen that the people of the locality, the D.S.P., Chitaldrug District are not in favour of premature release of convict Basalinga. Government direct therefore that he should not be released.

Government are pleased to accept the recommendation of the Board in respect of the other convict Basappa, and direct that he be released forthwith subject to the condition that he passes a period of probation equal to the unexpired portion of his sentence under the District Magistrate concerned or such officer as may be appointed in this behalf.

3

Secretary to Govt.,
Law Deptt.

ecretary, Stdg.
Advisory Board,
Central Jail.
(with files)
.G. of Prisons.
.G. of Police.
egr. High Court.
6/6